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For the Committee on the Environment
Public Hearing, March 16, 2009

TESTIMONY

HB 6345 AAC PROTECTING THE NATURAL RESOURCES OF THE HIGHLANDS REGION

Dear Chairman Meyer, Chairman Roy, and Honorable Members of the Committee:

Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 600 members include approximately 100 CT organizations and businesses.

Rivers Alliance supports bill 6345. The legislation would apply within a federally designated area of high environmental importance. The multi-state Highlands Region supplies drinking water to more than 15 million people. The beauty of the landscape attracts tourists from around the world. The value of the land as habitat and for farming is a legacy we owe to our children.

Unfortunately, according to the Highlands Coalition these 700,000 acres on high ground in the western part of this state are losing farmland and open space at twice the rate of development elsewhere in Connecticut.

This Act would apply in one instance to the Yale Farm Golf Course proposed in Norfolk and Canaan on property containing important headwaters. Protection of headwaters is essential to conserving the health of the state's streams, rivers, reservoirs, and all the species, human and otherwise, who depend on clean, cold water. The brooks, springs, and wetlands in headwaters, which combine to form rivers and lakes, are the most vulnerable point in our network of water resources. They are easily contaminated or obliterated by activities would have a minimal impact on the main stem of a river.

As we lose headwaters, we lose small tributaries, and eventually end up with rivers dependent on wastewater for their flow, and dependent on state hatcheries for the fish we will be so excited to catch when fishing season opens.

A tax-exempt
organization under
501 (c) (3) of the
Internal Revenue
Code

I suggest a change in the language to emphasize that it is destruction of headwaters that is particularly harmful. Also, the focus on recreational uses may be somewhat misplaced, as non-recreational activities can be equally or more harmful. However, water-intense recreational development does seem willfully frivolous in the middle of one of the most beautiful areas in the world for hiking, boating, fishing, bird watching, and the like. Whatever the restriction, it should apply to municipalities as well as to others. It makes no difference to the fate of a frog whether you are a wealthy landowner or a member of the town road crew.

Here are our proposed changes: *No permit shall be issued for and no person shall divert water from the waters of the state in an amount greater than fifty thousand gallons per day for [nonmunicipal] recreational use when the source of such water is headwaters in the federally designated Highlands region.*

Or: *No permit shall be issued for and no person shall divert water from the waters of the state in an amount greater than fifty thousand gallons per day for [nonmunicipal recreational] uses not essential to public health and safety when the source of such water is headwaters in the federally designated Highlands region.*

The DEP has made a good effort to write a protective permit. But the effort falls short, in part because it only deals with one aspect of the development. A longstanding problem with this project is that the applicants have refused to include the water needs of projected housing around the golf course in their application. Starting with testimony to the local commissions, Rivers Alliance has maintained that this is an incomplete application. A very similar situation arose with a Wal-Mart application in Groton, where some eight restaurants were sketchily drawn in but not specifically included in the application.

The Attorney General, himself, has made the point strongly that the Yale Farm application is incomplete. But the DEP counters that it can only look at the particular requests in front of it. I urge the legislature to deal with this quite common problem. Possibly the applicant should not be allowed to come back with additional "improvements" until, say, ten years have passed.

Thank you for your hard work protecting state waters.

Sincerely,



Margaret Miner,
Executive Director